IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17917 of 2003
with
SPECIAL CIVIL APPLICATION No 2684 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BALODHAR SEVA SAHAKARI MANDLI LTD. THRO.CHAIRMAN/SECRETARY
Versus
STATE OF GUJARAT

Appearance:
MR VC VAGHELA for Petitioner No. 1
MR DILIP B RANA for Respondent No. 1
MS ARCHANA RAVAL, AGP for Respondent No. 2-5

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 11/10/2004

COMMON ORAL JUDGEMENT

Rule. Shri D.B.Rana, Learned Advocate waives

service of rule on behalf of the respondent no.5 and Ms.Archana Raval, Ld. AGP waives service of rule on behalf of the respondent nos.1 to 4. With the consent of the parties, the matter is taken up for final hearing today.

2. Being aggrieved and dissatisfied with the order passed by the Additional Registrar (Appeals), Cooperative Societies, State of Gujarat in Appeal No.104 of 2002, the petitioner of SCA No. 17917 of 2003 had preferred Revision Application No.185 of 2003 and individual members of the petitioner society of SCA No. 17917 of 2003 had preferred Revision Application No.31 of 2003. The State Government dismissed Revision Application No.31 of 2003 filed by the individual members of the petitioner society of SCA No. 17917 of 2003 on the ground that the petitioners of SCA No. 2684 of 2004 had no locus. At the same time, when the society of which the petitioners of SCA No.2684 of 2004 are members, preferred Revision Application No.185 of 2003, it came to be dismissed mainly on the ground that the State Government has already dismissed Revision Application No.31 of 2003. It appears from the record that Revision Application No.31 of 2003 was dismissed mainly on the ground of locus standi and not on merits. However, Revision Application No.185 of 2003 came to be dismissed only on the ground that earlier Revision Application No.31 of 2003 is dismissed. In that view of the matter, the impugned order passed by the Revisional Authority i.e. the State Government dated 12.12.2003 in Revision Application No.185 of 2003 is hereby quashed and set aside. The Revisional Authority is directed to decide and dispose of Revision Application No.185 of 2003 afresh and on merits and in accordance with law and after giving an opportunity of hearing to the respective parties. In view of the fact that the order passed by the Additional Director (Appeals), Cooperative Societies in passing the order of reconstruction of the respondent no.5 society is in existence today, the said order would be continued. Rule is made absolute to the aforesaid extent.

So far as SCA No.2684 of 2004 is concerned which is filed by the members of the petitioner of SCA No.17917 of 2003, Shri V.C.Waghela, Learned Advocate for the petitioner does not press the said petition in view of the disposal of SCA No.17917 of 2003.

(M.R.Shah, J)
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